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**BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 906-A

PETER SCHURCH
7528 Leland Street
Sebastopol, CA 95472

A C C U S A T I O N

Civil Engineer License No. C 54588

Respondent.

Complainant alleges:

PARTIES

1. David E. Brown (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about July 14, 1995, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 54588 to Peter Schurch (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws.

1 All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove,
3 suspend for a period not to exceed two years, or revoke the certificate of any professional
4 engineer registered under this chapter:

5 ...

6 "(c) Who has been found guilty by the board of negligence or incompetence in his or her
7 practice.

8 COSTS

9 5. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 6. Section 419 of the Title 16, California Code of Regulations states in pertinent part:

14 "In addition to the disciplinary orders described in this section, all decisions shall address
15 recovery of the Board's investigation and enforcement costs, as described in and authorized by
16 Business and Professions Code section 125.3."

17 FIRST CAUSE FOR DISCIPLINE

18 (Professional Negligence and Incompetence)

19 7. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
20 was negligent in the practice of professional engineering. The circumstances are as follows:

21 a. On or about June 24, 2004, Respondent stamped and signed plans and specifications
22 for a remodel of the "Sweet Spot Pub and Lounge" located at 619 Fourth St., Santa Rosa Ca
23 ("The Project"). Respondent's stamp had the wrong expiration date on his license. The Stamp
24 stated Respondent's license expired on December 31, 2006 when in fact Respondent's license
25 expired in December 31, 2005.

26 b. The drawings for The Project that Respondent stamped and signed did not include
27 sufficient information to describe the anchorage of studs walls to the existing floor, nor ceiling
28 joists to the new stud walls. The drawings signed and stamped by Respondent were not drawn to

1 sufficient clarity to indicate compliance with section 1605.2 of the California Building Code
2 (“CBC”), a violation of section 106.3.3 of the California Code.

3 SECOND CAUSE FOR DISCIPLINE

4 (Incompetence)

5 8. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
6 was incompetent in the practice of professional engineering. The circumstances are as follows:

7 9. On or about June 24, 2004, Respondent stamped and signed plans and specifications
8 for The Project. Respondent did not create these plans and specifications but only reviewed and
9 signed/stamped them after determining the proposed changes (as outlined in the plans a
10 specifications) had no structural impact on the building. Respondent incompetently limited his
11 review of the plans and specifications to their structural impact on the building.

12 10. The project changed the building’s occupancy group from “retail” to
13 “pub/restaurant.” Because there was a change in occupancy group, Respondent was required to
14 confirm whether building, as changed, would comply with the requirements of building code.
15 Respondent failed confirm whether building, as changed, would comply with the requirements of
16 building code in the following respects:

17 (a) Respondent failed to confirm that the building and its new occupancy group would
18 meet the location requirements identified in Section 503 of the CBC.

19 (b) Respondent failed to confirm that the building and its new occupancy group would
20 have the required allowable floor area as specified in Section 504 of the CBC.

21 (c) Respondent failed to confirm that that the building and its new occupancy group
22 would meet the general requirements for construction type as specified in Section 601.1 of the
23 CBC

24 (d) Respondent failed to confirm that that the building and its new occupancy group
25 would meet fire resistant construction details as specified in Section 703.1 of the CBC;

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1 (e) Respondent failed to confirm that that the building and its new occupancy group
2 would have the necessary fire sprinklers or other extinguishing systems as required by Section
3 904 of the CBC;

4 (f) Respondent failed to confirm that that the building and its new occupancy group
5 would have the necessary means of egress as required by Chapter 10 of the CBC;

6 (g) Respondent failed to confirm that that the building and its new occupancy group
7 would meet the handicap accessibility standards of Chapter 11 of the CBC;

8 (h) Respondent failed to confirm that that the building and its new occupancy group
9 would meet the light and ventilation requirements of Section 1202 of the CBC;

10 (i) Respondent failed to confirm that that the building and its new occupancy group had
11 safety glass/glazing in hazardous locations as required by Section 2406.4 of the CBC;

12 (j) Respondent failed to confirm that that the building and its new occupancy group had
13 the required plumbing systems and number of fixtures as required by Section 2902.3 of the CBC.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
17 decision:

18 1. Revoking or suspending Civil Engineer License Number C 54588, issued to Peter
19 Schurch.

20 2. Ordering Peter Schurch to pay the Board for Professional Engineers and Land
21 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
22 Business and Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 6/25/10

Original Signed

25 DAVID E. BROWN

26 Executive Officer

27 Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

28 *Complainant*